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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,609	04/12/2001	Richard Dean Weir	EEStor 100	3745

7590 09/04/2003
Richard D. Weir
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EXAMINER

STEIN, STEPHEN J

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,609

Applicant(s)

WEIR ET AL.

Examiner

Stephen J Stein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract is not double spaced typed and is not in the form of a single paragraph. See MPEP § 608.01(b). Correction is required.
2. The disclosure is objected to because of the following informalities: The heading "Description – Figures 1 to 4" should be changed to --Brief Description of the Drawings--.

Claim Objections

3. Claims 1, 7 and 8 are objected to because of the following informalities: Claim 1 is does not end with a period, and Claims 7 and 8 are each in the form of two sentences. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 1, line 7, recites the limitation "double coated calcined composition modified barium titanate". This limitation makes the claims 1-16 indefinite because it is unclear if the limitation refers the coated barium titanate powder limitation recited in lines 2-4. Since it is unclear how these limitations are linked the claims are unclear.

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7. Claim 1, line 6, recites the limitation "preferentially aligned". This limitation makes claims 1-16 indefinite because it is not known what alignment constitutes preferential alignment.

8. Claim 1, line 10, recites the limitation "dry and cut the green multilayer components". This makes the claims indefinite since the limitation "the green multilayer components" lacks antecedent basis in the claims.

9. Claim 1 recites both article and method limitations without linking the method limitations to the article. This makes claims 1-16 indefinite because it is unknown how the method limitations further limit the scope of the claims. For instance, it is not clear that applicants are claiming that the article is manufactured by the claimed method steps.

10. Claims 1-16 refer to figures in the claims. This makes the claims indefinite because it is unclear how the figure limits the scope of each claim. The scope of protection being sought is unclear.

11. Claims 15 and 16 recite the limitation "such as". This limitation makes the claims indefinite because it is unclear if the limitations after "such as" are intended to limit the claim. The scope of protection being sought is unclear.

Discussion of the art

12. Since the scope of the claims can not be ascertained by the examiner, the following is a discussion of the closest prior art.

13. US Patent 6,268,054 (Costantino et al.) discloses a dielectric layers for multi-layer ceramic capacitors wherein the dielectric material is made up of oxide coated barium titanate particles.

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14. US Patent 6,078,494 (Hansen) discloses a capacitor having a dielectric material made of a calcined powder of doped barium-calcium-zirconium titanate with nickel or nickel alloy electrodes.

15. JP411147716A (Kita et al.) discloses ceramic dielectric used in a ceramic capacitor made with a barium titanate powder that is coated with titanium oxide.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Stein whose telephone number is (703) 305-0583. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m. If the attempts to reach the examiner are unsuccessful, the examiner's supervisor, Deborah Jones can be reached by dialing (703) 308-3822. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose phone number is (703) 308-0661. The fax phone number for this group is (703) 872-9310 for non-final responses and (703) 872-9311 for after final responses.

August 29, 2003


Stephen J. Stein